

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

July 19, 2023

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

CVB, INC.,

Plaintiff - Appellant,

v.

ELITE COMFORT SOLUTIONS, INC.;
FUTURE FOAM, INC.; FXI HOLDINGS,
INC.; LEGGETT & PLATT, INC.;
SERTA SIMMONS BEDDING, LLC;
TEMPUR SEALY INTERNATIONAL,
INC.; BROOKLYN BEDDING, INC.,

Defendants - Appellees.

No. 22-4054
(D.C. No. 1:20-CV-00144-DBB-DAO)
(D. Utah)

ORDER

Before **HOLMES**, Chief Judge, **HARTZ**, and **CARSON**, Circuit Judges.

On May 17, 2023, we identified a defect in our appellate jurisdiction because the district court's May 23, 2022 Memorandum Decision was not a final order. We gave Appellant 60 days, until July 17, 2023, to cure the defect in order to avoid dismissal of this appeal. On July 17, 2023, Appellant filed a status report, and on July 18, 2023, Appellees filed a response to the status report.

Appellant has not cured the defect. Accordingly, for the reasons set forth in our order of May 17, 2023, this appeal is dismissed for lack of jurisdiction.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk